

AFFIDAVIT

I, SAMUEL LINCOLN, Lead Detective for the Three Affiliated Tribes Police Department and Deputy Special Officer of the Bureau of Indian Affairs (BIA) via a Special Law Enforcement Commission (SLEC) being duly sworn on oath, depose and state as follows.

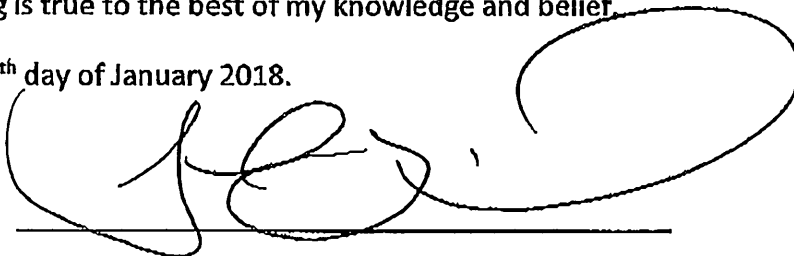
1. I am employed as the Lead Detective for the Three Affiliated Tribes Police Department (TATPD) and am assigned to the Fort Berthold Agency, in New Town, North Dakota, which is located within the exterior boundaries of the Three Affiliated Tribes (TAT) and is also known as the Fort Berthold Indian Reservation. Since March 2016, I have held the position of TATPD Lead Detective and, since February 10, 2017, have held a BIA SLEC. Prior to my current position, for thirty-two years I have been a law enforcement officer serving as Chief of Police for the City of New Town in Indian Country and a Narcotics Agent, Criminal Investigator and K-9 Deputy for the McLean County Sheriff's Department.
2. As an SLEC holder, I am a Deputy Special Officer of the Bureau of Indian Affairs, and am authorized to conduct investigations and exercise authority delegated by virtue of 25 United States Code Section 2803. Specifically, as a federal officer, I am authorized to investigate violations of the laws of the United States; execute warrants issued under the authority of the United States, including crimes within Indian Country; and make an arrest without a warrant for a felony offense committed in Indian country.
3. I am submitting this affidavit in support of a search warrant for the premises known as 7997 7A Street NW, Halliday, North Dakota, (hereinafter "residence") occupied by JOSHUA CALEB SAGE, JR., (hereinafter "SAGE"), D.O.B. December 1982. SAGE is a Native American male and I believe that probable cause exists demonstrating that SAGE committed the offense of sexual abuse in violation of 18 United States Code Sections 2242(2)(A), 2242(B), and 1153 at the aforementioned residence. Specifically, I believe probable cause exists that SAGE engaged in a sexual act with SHAYDEE PRETENDS EAGLE (hereinafter "PRETENDS EAGLE"), D.O.B. February 1998, when she was incapable of appraising the nature of the conduct or physically incapable of declining participation in, or communicating unwillingness to engage in, that sexual act due to her alcohol intoxication. Support for these charges exists based upon information gathered by me from Detective Duane Bowen (hereinafter "Bowen") during my investigation as well as information communicated to me by TAT police officers and/or other investigators. I am submitting this affidavit only to establish probable cause; therefore, not all information gathered during the course of the investigation has been included in this document.

4. During my interview with Bowen, he informed me that he responded to a sexual assault call for service in Twin Buttes, North Dakota. He stated he arrived at the home of SAGE located at 7997 7A Street NW Halliday, North Dakota, which is within the exterior boundaries of the Fort Berthold Indian Reservation. The victim of the sexual assault, PRETENDS EAGLE provided Bowen with the following information:
 - a. On Tuesday January 23, 2018, PRETENDS EAGLE was kicked out of her mother's residence in Bismarck, ND. PRETENDS EAGLE said that she texted her friend, SAGE. PRETENDS EAGLE stated that she has known SAGE for a very long time. PRETENDS EAGLE said that she followed SAGE to Twin Buttes, ND and arrived in Twin Buttes around 9:00 pm to 9:30 pm local time. PRETENDS EAGLE said that SAGE, who is approximately 35 years of age, purchased alcoholic beverages for her and that she, PRETENDS EAGLE, is only nineteen years of age.
 - b. PRETENDS EAGLE said that she and SAGE went to SAGE's residence and together she and SAGE began drinking the alcoholic beverages SAGE had purchased. PRETENDS EAGLE and SAGE began watching Netflix on television. Sometime later, PRETENDS EAGLE stated that SAGE told her that he had a television in his bedroom. When PRETENDS EAGLE went back to SAGE's bedroom, PRETENDS EAGLE said that she passed out. PRETENDS EAGLE said that when she awoke, she she had no pants or underwear on and was naked from the waist down. PRETENDS EAGLE asked SAGE if he had sex with her. SAGE told PRETENDS EAGLE that he did have sexual intercourse with her. PRETENDS EAGLE said that she asked SAGE if he wore a condom and SAGE replied that he did. PRETENDS EAGLE said that when she tried to get the condom from SAGE, he flushed the condom down the toilet. PRETENDS EAGLE also stated that she believes that her blue gym trunks are still inside the residence.
5. Bowen spoke with SAGE and he stated that he went to sleep around 3:30 am, and that PRETENDS EAGLE told SAGE that she woke up with no pants and undergarments around 5:30 am. SAGE also told Bowen that PRETENDS EAGLE told him that she did not feel right.
6. SAGE is an enrolled member of the Three Affiliated Tribes
7. I am requesting a search warrant to search the residence for the following items:
 - a. Saliva, semen, and any other type of bodily fluids.

- c. Bedding to include sheets, comforter, blankets, pillow cases and foam toppers.
- d. Used condoms, condom wrappers, sexual aids i.e., lubricants and contraceptives to include spermicide.
- e. Photographic and video images, and measurements, of the interior of the residence, including but not limited to, bedrooms, bathrooms, hallways, closets, furniture, entries and exits, and living areas.
- f. Empty alcohol containers.

The foregoing is true to the best of my knowledge and belief.

Dated this 24th day of January 2018.

A large, stylized handwritten signature in black ink, appearing to read 'S. Lincoln', written over a horizontal line.

SAMUEL LINCOLN

Lead Detective

Three Affiliated Tribes Police Department

Deputy Special Officer of the Bureau of Indian Affairs

Subscribed and sworn to before me telephonically this 24th day of January, 2018.

A handwritten signature in black ink, appearing to read 'C. S. Miller, Jr.', written over a horizontal line.

CHARLES S. MILLER, JR.

United States Magistrate Judge